

REMARKS

In response to the non-final Official Action of January 19, 2010, Claims 12 and 13 are newly submitted. Support for these claims is found in the original application as filed, including paragraph [0028] of the published US application. No new matter is added.

Claim Rejections - 35 USC §102

At section 5, claims 1-11 are rejected as anticipated in view of newly cited US patent 6,157,545, Janninck, et al (hereinafter Janninck).

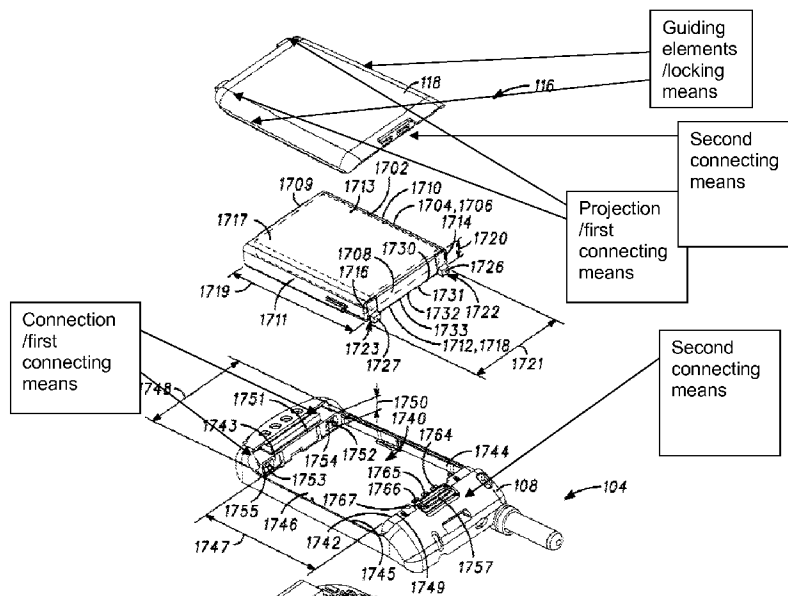
With respect to claim 1, it is asserted that Janninck discloses a detachable cover for a mobile phone comprising the elements recited therein, including guiding elements configured to receive at least one exchangeable battery at a site opposite to said outer surface. For the reasons presented below, applicant respectfully requests reconsideration of this rejection.

In particular, claim 1 recites:

"A battery holder for an electronic device comprising an outer surface, guiding elements configured to receive at least one exchangeable battery at a side opposite to said outer surface and a projection and a connection configured to connect said battery holder releasably to an electronic device such that electrical contact elements of at least one battery received by said battery holder come into contact with electrical contact elements of said electronic device and such that said outer surface of said battery holder forms part of the outer surface of said electronic device."
(emphasis added)

The Office states that regarding claims 1 and 11, "Janninck et al. discloses a detachable cover 118 (battery holder) for a mobile phone comprising: guiding elements configured to receive a battery 1702 at a side opposite the outer surface of the battery cover 118 ..."

The Office further argues that Figure 3 of Janninck, as copied in part below, shows curvatures of the cover 118 of Janninck to be "guiding elements/locking means" which are assumed to be equivalent to the "guiding elements configured to receive at least one exchangeable battery" as per claim 1:



It is clear that what the Office is interpreting as "guiding/locking means" refers only to portions of the cover 118 which ensure a smooth junction between the cover 118 and a bottom housing 104 when the cover 118 is assembled onto bottom housing 104. The battery 1702 is not received by the cover 118. It is rather received by the bottom housing 104, in particular by recess 1740. There is no indication that the portions of the cover 118, which are referred to by the Office as "guiding/locking means", come into contact with the battery 1702 at all.

Given the illustration above, there is no hint that cover 118 of Janninck could constitute a battery holder which provides guiding elements configured to receive at least one exchangeable battery, as required by claim 1.

This becomes apparent as well when considering Figure 7 of Janninck, which is copied below:

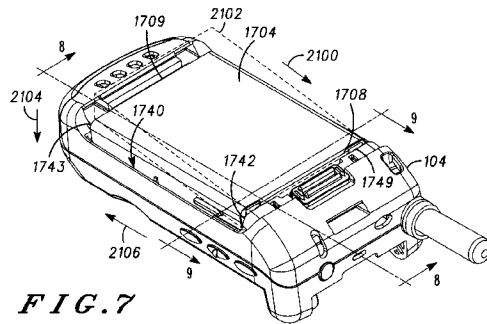


Figure 7 clearly shows that the battery pack 1704 by itself is inserted into recess 1740 of bottom part housing 104 (Janninck, column 6, lines 4-7). Thus, there is no occasion for the cover 118 to receive a battery by means of guiding elements.

It is therefore respectfully submitted that Janninck fails to disclose or suggest the features of claim 1 as discussed above.

Reconsideration of the rejection of claim 1 in view of Janninck is therefore earnestly requested.

Independent claim 11 is directed to a battery holder for an electronic device which is written using language which includes means plus function terminology. Claim 11 recites features corresponding to those discussed above with regard to claim 1 and, for similar reasons, is therefore also neither disclosed nor suggested by Janninck.

Reconsideration of the rejection of claim 11 in view of Janninck is therefore earnestly requested.

Dependent claims 2-10 are also believed to be neither anticipated nor suggested by Janninck at least in view of their ultimate dependency from claim 1.

Newly submitted claims 12 and 13 are also neither disclosed nor suggested by Janninck again in view of their dependency from claim 1.

In view of the foregoing, it is respectfully submitted that the present application

continues to be in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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